

# Notice of Allowability

Application No.

09/588,405

Examiner

Steven L. Weinstein

Applicant(s)

MOSSBROOK ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 2/26/04.
2. ☒ The allowed claim(s) is/are 1-15, 17, 27-40, and 18-26, renumbered claims 1-39, respectively.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/24/03 and 3/5/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Claims 37-40, dependent on an allowed claim, have been rejoined*

*Steve Weinstein*  
**STEVE WEINSTEIN** 1761  
**PRIMARY EXAMINER**  
5/17/04

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## REASONS FOR ALLOWANCE

Upon further review and consideration, including a full and careful review of the Appeal Brief filed on 2/26/04, although the art taken as a whole fairly teaches a packaged food product wherein the film has a printed side opposite a food side with a radiation cured varnish covering the printed side, which varnish would contain substantially, if not fully, polymerizable reactants, the art taken as a whole does not appear to fairly suggest 1) that the varnish included less than about 20% monofunctional monomer based on the weight of the varnish, 2) that the weight of the varnish/unit area of substrate film in the portion of the varnish into the heat sealed region is at least substantially equal to the weight of the varnish outside the heat sealed region, and 3) that the varnish was exposed to an electron beam source having an energy of less than 100 keV.

## EXAMINERS AMENDMENT

The title has been changed to read--PRINTED FOOD PACKAGE WITH RADIATION CURED OVERPRINT VARNISH--;

In the specification, on page 6, line 15, after "1999",--now U.S. Patent No. 6,528,127, -- has been inserted; on page 7, line 2, after "No.", -- 09/583,853--has been inserted, and in line 3, before "which", --now U.S. Pat No. 6,379,812--has been inserted.

  
STEVE WEINSTEIN 1761  
PRIMARY EXAMINER  
5/17/04